



Governor Terry E. Branstad

Lt. Governor Kim Reynolds

San Wong, Director

CRIMINAL & JUVENILE JUSTICE PLANNING ADVISORY COUNCIL MINUTES OF REGULAR MEETING

**Lucas State Office Building, Rooms 319 and 320
321 E. 12th Street
Des Moines, Iowa**

November 19, 2014

Present: Tom Ferguson, Chair; Judge Romonda Belcher; Kim Cheeks; John Hodges; Mary Kovacevich; Kurt Swaim; Michelle Leonard; Amber Markham; Judge Jeffrey Neary; Lettie Prell; Sherri Soich; Tony Thompson; Tom Walton; Steve Lukan

Ex Officio: Rep. Chip Baltimore; Sen. Charles Schneider

Staff: Steve Michael; Cheryl Davidson; Terry Hudik; Sarah Johnson, Julie Rinker; Lanette Watson

Absent: Mardi Allen; Trisha Barto; DeAnn Decker; Mary Ingham; John Spinks

I. Call to Order, Welcome, and Introductions

Tom Ferguson, Chair, called the meeting to order at 1:19 p.m. A quorum was present.

II. Approval of Minutes—September 24, 2014

Judge Jeffrey Neary moved to approve the minutes from the September meeting, seconded by Kurt Swaim. The motion was unanimously approved.

III. Division Update

Because a division update was provided earlier in the day during the Public Safety Advisory Board (identical membership to this Council), no further information was presented.

IV. Results of Public Forum – October 14th

Michael reviewed the format of the public forum held on October 14, 2014. The forum was well attended by a variety of public/private agency representatives, the general public, and DMACC students. The forum offered an opportunity for the public to express concerns regarding the criminal and juvenile justice system and for use in developing the long-range plan. The public was invited to attend either 'in person', by phone, or via a web link. A summary of the comments will be posted on the CJJP website and shared with this Council.

V. Review and Approval of Long-Range Plan

The Council reviewed the report on a page-by-page basis as noted below.

Introduction: No changes. **Motion to approve by Neary, seconded by Michelle Leonard. Unanimously approved.**

Long-Range Goals: Neary discussed concerns regarding long-range goal V. Substance Abuse Services. He noted that this is not only a broad area, but a pre-criminal justice system problem—individuals need the right kind of treatment and counseling. He also noted issues regarding payment eligibility for services.

Ferguson suggested rewording both Items IV. and V. as follows:

IV. Expand and Improve Mental Health Services

- Five Year Goal: Seek to expand and fund local mental health service centers for individuals both in and out of the criminal justice system.

V. Substance Abuse Services, Five Year Goal

- Seek to expand and fund local substance abuse service centers for individuals both in and out of the criminal justice system.

Motion by Ferguson to approve Long-Range Goals, Items I-X with the above amendments to Items IV. and V. regarding service expansion and funding. The motion was seconded by Neary and unanimously approved.

Long-Range Justice System Goals for Iowa: No changes. **Motion to approve by Neary, seconded by Tony Thompson. Unanimously approved.**

I. Reduce Violence and Prevent Crime: No changes. **Motion to approve by Neary, seconded by John Hodges. Unanimously approved.**

II. Increase Public Confidence in the Justice System: No changes. **Motion to approve by Neary, seconded by Swaim. Unanimously approved.**

III. Decrease Minority Overrepresentation in the Justice System: No changes. **Motion to approve by Neary, seconded by Leonard. Unanimously approved.**

IV. Expand and Improve Mental Health Services: Motion by Neary to approve with the following amendments: the five-year goal will be reworded as earlier approved regarding service expansion and funding; the first sentence will be changed to "...Department of Corrections documented ~~estimated~~...", the paragraph referencing the Iowa Coalition on Mental Health and Aging will be removed; a new #8 will be inserted "8. Expand availability of mental health treatment courts."; former numbers 8. and 9. will be renumbered as 9. and 10. The motion was seconded by Lettie Prell and unanimously approved.

V. Expand and Improve Substance Abuse Services: Motion by Sherri Soich to approve with the following amendments: the five-year goal will be reworded as

earlier approved regarding service expansion and funding; the first paragraph will be changed to "...Department of Corrections documents that 28% of all prison inmates in Iowa have some type of substance use disorder and many more are in need of substance abuse treatment..."; item 1) will read "Expand the use of drug treatment courts...". The motion was seconded by Neary and unanimously approved.

VI. Expand and Improve Victim Services: Motion by Soich to approve with the following amendments: 4.) "~~Enhancing~~ Enhance prison..."; quotations will be removed from 6.) through 9.). The motion was seconded by Swaim and unanimously approved.

VII. Ensure Appropriate Utilization of Correctional Resources: Motion by Neary to approve with the following alteration to 6.)—the wording enclosed by parentheses will be removed. The motion was seconded by Judge Romonda Belcher and unanimously approved.

VIII. Expand and Improve Information Systems-Planning and Monitoring: No changes. Motion to approve by Soich, seconded by Leonard. Unanimously approved.

IX. Improve Sanctions, Supervision, Treatment and Services for Adult Offenders: No changes. Motion to approve by Swaim, seconded by Neary. Unanimously approved.

X. Improve Sanctions, Supervision, Treatment and Services for Juvenile Offenders: Soich moved to remove numbers 5.) and 6.), seconded by Leonard.

Discussion: Kim Cheeks objected. Tom Walton agreed with Cheeks. Walton suggested further study on sentencing for juveniles and also on increasing the jurisdiction of juvenile courts to age 21. He noted that there have been a number of studies on brain development.

Ferguson noted recent Supreme Court rulings regarding sentencing of juveniles and was concerned about misinformation regarding brain development. Walton thought that was even more reason for a study.

Ferguson further added that Item 6.) should be removed because mandatory minimum prison sentences for juveniles have already been ruled unconstitutional. Walton suggested a study include juvenile sentencing guidelines, best practices for sentencing juveniles, etc. Ferguson agreed.

Belcher asked about other states that have extended jurisdiction options in juvenile court. Michael responded that Iowa is one of six states that do not have an option to extend jurisdiction. He noted that the option would be helpful to some delinquent youth.

Belcher noted that wording in 5.) 'allowing juvenile courts to have an option to retain' does not require, but allows the court an option.

Ayes: Leonard, Ferguson, Kovacevich, Soich

Nays: Belcher; Cheeks; Hodges; Swaim; Markham; Neary; Prell; Thompson; Walton; Lukan

The motion failed to pass.

Motion by Ferguson to approve Item X. with the following changes: 4.) will be changed to read “Establishing a transition system for all juvenile offenders transitioning out of the juvenile system.”; 5.) will remain, but read “Extend Study extending juvenile court jurisdiction...”; 6.) will be removed; 9.) will read “Encourage Study the use of a dispositional matrix....”. The motion was seconded by Neary and unanimously approved.

Belcher moved to approve the entire 2015 Long-Range plan as amended, seconded by Swaim. The motion was unanimously approved.

VI. Review and Approval of Legislation Monitoring Report

Sarah Johnson reported that the pages of the document were arranged so that new issues were added at the end of the report. The report includes legislation monitored in previous reports and new additions as requested by the Council at the September meeting. New additions include: Probation Revocations by District by Race, Elder Abuse, Coach-Student Sex, and Human Trafficking. Johnson noted that the Council had requested information regarding the impact of marijuana charges/use on the criminal justice system. She suggested that since the report was in response to legislation passed, that the marijuana issue be explored as a separate study.

Discussion included that tracking synthetic drugs will be easier to track in the coming years due to the statewide charge code table that has been implemented through the EDMS system.

There was no further discussion. **Neary moved to approve the Legislation Monitoring Report as submitted, seconded by Leonard. The motion was unanimously approved.**

VII. CJJPAC & PSAB Meeting Schedule

February 26, 2015, 9:30/10:00 a.m. to 12:45 p.m., during the Department of Human Rights legislative day

May 13, 2015, September 16, and November 18—beginning at 10:00 a.m.

VIII. Additional Issues for Next Meeting

Ferguson suggested consideration be given to a review of juvenile offenders who have been resentenced under the recent Supreme Court rulings. Prell noted that the Department of Corrections has a list of these juveniles and has been tracking resentencing. Discussion included that there appears to be a wide variance in resentencing due to judicial discretion.

IX. Adjournment

Kim Cheeks moved to adjourn, seconded by Leonard. The motion was unanimously approved. The meeting adjourned at 1:32 p.m.

Respectfully submitted,

Julie Rinker
Administrative Secretary
Div. of Criminal & Juvenile Justice Planning
Iowa Department of Human Rights